## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

**DOCKET NO.:** 2007-1781-IWD-E **TCEQ ID:** RN100210350 **CASE NO.:** 34893

RESPONDENT NAME: Oxid L.P.

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ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Chemical process  SMALL BUSINESS:YesX  OTHER SIGNIFICANT MATTERS: Therefacility location.  INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Reg  CONTACTS AND MAILING LIST:	e are no complaints. There is no record of additional and the ED and the Respondent has expressed an intersister comment period expired on April 21, 2008. Note: None  Mr. Andrew Hunt, Enforcement Division, Enforce on, MC 219, (512) 239-2171  esident, Oxid L.P., 101 Concrete Street, Houston, Teent Manufacturing & Sales, Oxid L.P., 101 Concrete	al pending enforcement actions regarding this rest in this matter.  comments were received.  ment Team 1, MC 169, (512) 239-1203; Mr.  exas 77012
Respondent's Attorney. Not repre	sented by counsel on this enforcement matter	

# RESPONDENT NAME: Oxid L.P. DOCKET NO.: 2007-1781-IWD-E

#### VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$7,040 **Corrective Actions Taken:** Complaint Routine Total Deferred: \$1,408 The Executive Director recognizes that the Enforcement Follow-up Respondent has implemented the X Expedited Settlement X Records Review following corrective measures at the Facility: Financial Inability to Pay Date(s) of Complaints Relating to this a. Submitted completed electronic DMRs, Case: None SEP Conditional Offset: \$0 on October 28, 2007 for monitoring periods June 2006, July 2006, and Date of Investigation Relating to this Total Paid to General Revenue: \$5.632 December 2006; and Case: September 11, 2007 Site Compliance History Classification b. On November 2, 2007, submitted the Date of NOV/NOE Relating to this Case: High X Average Poor DMR for monitoring period ending October 23, 2007 (NOE) January 31, 2007. Person Compliance History Classification Background Facts: This was a routine \_\_ High \_\_X\_ Average \_\_\_ Poor **Ordering Provisions:** record review. Major Source: \_\_\_ Yes \_X\_ No The Order will require the Respondent to, WATER within 60 days after the effective date of Applicable Penalty Policy: September 2002 this Agreed Order, submit written 1) Failed to comply with the permitted certification of compliance with the effluent limitations for oil and grease and effluent limits of TPDES Permit No. chemical oxygen demand [Tex. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 02102. The certification shall include detailed supporting documentation 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. including receipts, and /or other records to demonstrate compliance. 02102, Effluent Limitations and Monitoring Requirements No. 1]. 2) Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the Discharge Monitoring Report ("DMR") for the monitoring period ending January 31, 2007 by February 20, 2007 [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 02102, Monitoring and Reporting Requirements No. 1]. 3) Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the DMR parameter data for pH minimum for the monitoring periods ending June 30, 2006, July 31, 2006, and December 31, 2006 [30 Tex. ADMIN. CODE § 305.125(1), and TPDES Permit No. 02102, Monitoring and Reporting Requirements No. 1].

Additional ID No(s).: WQ0002102000

Adjustment (%) Foundation About the Compiler of the Compiler o	Policy Povicion 2/Son		enalty Ca	alculatio	n Workshe	eet (P	•	ovember 6, 2007
RESPONDENT/FACILITY INFORMATION Respondent (Oxid I.P. Rag, Ent. Ref. No. [RN100210350] Ragional (Oxid I.P. Rag, Ent. Ref. No. [RN100210350] Radilty/Site Region [22-Houston Major/Minor Source [Minor]  CASE INFORMATION Ent/Case ID No. [34993] Docket No. [2007-1781-IWD-E] Media Program(s) [Water Quality Multi-Media Admin. Penalty \$1 Limit Minimum] Multi-Media Admin. Penalty \$2 Limit Minimum] Multi-Media Admin. Penalty \$2 Limit Minimum]  Penalty Calculation Section  TOTAL BASE PENALTY (Sum of violation base penalties)  Subtotal 1 [\$4,400]  ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subiobas 7 are entiatived by multiplying the Total Base Fenalty (Subcided 1) by the indicated purcertiage.  Compliance History  Subtotal 5 [\$4,400]  An enhancement is recommended due to two NOVs with same or similar violations, two NOVs with unrelated violations, and 11 months of Notes self-reported efflicut violations. Also, an exclusion is recommended due to two notices of intent to conduct a self-audit and one disclosure of violation under the Self-Audit Act.  Culpability  No	Policy Revision 2 (Sep	tember 2002)					PCW Revision N	overriber 6, 2007
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Penalty \$ Limit Minimum   \$0   Maximum   \$10,000   \$10	Docket No.	2007-1781-IW	D-E		Or	der Type	1660	
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Reduces or enhances the Final Subtotal by the indicated percentage.  Notes  Recommended reduction in the penalty to prevent double-enhancement of the penalty amount for same violations that were self-reported.  Final Penalty Amount  \$7,040  STATUTORY LIMIT ADJUSTMENT  Final Assessed Penalty  \$7,040  DEFERRAL  Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)  **Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	OTHER FACTORS A	S JUSTICE I	MAY REQUII	RE	-3%		Adiustment	-\$220
of the penalty amount for same violations that were self-reported.    Final Penalty Amount   \$7,040							1	
of the penalty amount for same violations that were self-reported.    Final Penalty Amount   \$7,040		Recommende	d reduction in th	ne penalty to r	prevent double-enh	ancement	,	
STATUTORY LIMIT ADJUSTMENT  Final Assessed Penalty  \$7,040  DEFERRAL  Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)  **Total Assessed Penalty   \$7,040  -\$1,408	Notes							
STATUTORY LIMIT ADJUSTMENT  Final Assessed Penalty  \$7,040  DEFERRAL  Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)  \$1,408	***************************************					Final Per	nalty Amount	\$7,040
DEFERRAL  Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)  -\$1,408								
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	STATUTORY LIMIT	DJUSTMEN	IT			Final Asse	ssed Penalty	\$7,040
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)				galaringaggiangag	·	garagaa tii ja Taraisia.	ere en gregog par de la participa de l'estique de l'estique de l'estique de l'estique de l'estique de l'estique	£4.400
		nalty by the indictor	I nercentage <i>(Ent</i>	er number only: e	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Adjustment	-\$1,408
Notes Deferral offered for expedited settlement.	neduces the Fillal Assessed Pel	narry by the mulciet	. percentage. (Elle	or mannoer only, e	.g. 20 101 20/0 IBUUCHOI	··/	]	
	Notes	1	Deferral offere	ed for expedite	ed settlement.			
	***************************************							
DAVADIE DENIALTY		an Participa de La Granda de La Constanta de La Granda de La Gra				Kärsyrteivetäs (1		<b>AE 000</b>

Screening Date 1-Nov-2007

Docket No. 2007-1781-IWD-E

PCW

Respondent Oxid L.P.

**Case ID No.** 34893

>> Compliance History Site Enhancement (Subtotal 2) Component Number of...

NOVs

Reg. Ent. Reference No. RN100210350 Media [Statute] Water Quality

Other written NOVs

meeting criteria)

Policy Revision 2 (September 2002) PCW Revision November 6, 2007

Adjust.

65%

4%

0%

Enter Number Here

13

2

0

Enf. Coordinator Andrew Hunt

(number of NOVs meeting criteria)

**Compliance History Worksheet** 

Written NOVs with same or similar violations as those in the current enforcement action

Any agreed final enforcement orders containing a denial of liability (number of orders

		Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0 0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
•	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0 1	0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
		Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%	
	Addition	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%	
		Pleas	e Enter Yes or No		
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
Repea	at Violator (Su	Adjustment Pe	ercentage (S	Subtotal 2)	65
Repea	at Violator (Su No	btotal 3)		,	
	No	btotal 3)		,	
	No	btotal 3)  Adjustment Pe Person Classification (Subtotal 7)	ercentage (S	Subtotal 3)	09
Зотр	No Diance History Average Pe	btotal 3)  Adjustment Pe Person Classification (Subtotal 7)	ercentage (S	Subtotal 3)	09
Comp Comp	No Diance History Average Pe	Adjustment Person Classification (Subtotal 7)  Performer Adjustment Person Classification (Subtotal 7)	ercentage (S ercentage (S	Subtotal 3)	09

Screening Date	1-Nov-2007	<b>Docket No.</b> 2007-1781-IWD-E	PCW
Respondent		Policy	Revision 2 (September 2002)
Case ID No.		PC	V Revision November 6, 2007
Reg. Ent. Reference No.	RN100210350		
Media [Statute]			
Enf. Coordinator			
Violation Number			
Rule Cite(s)	Tex. Water Co	de § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutar	nt
	Discharge Eli	mination System Permit No. 02102, Effluent Limitations and Monitoring Requirements No. 1	
**************************************		requirements No. 1	
Violation Description	Failed to co	mply with the permitted effluent limitations, as shown in the attached effluent table.	-
		Base Penal	y \$10,000
>> Environmental, Property a	and Human F	lealth Matrix	
		Harm	
Release		Moderate Minor	
OR Actual	<u> </u>	X	
Potential		Percent 10%	
SSD-Service His Matrix			
>>Programmatic Matrix Falsification	Major	Moderate Minor	
Paisilication	Iviajoi	Percent 0%	
			- · · · · · · · · · · · · · · · · · · ·
Matrix Notes Human heal not exceed	th and or enviror levels that are p	nment has been exposed to insignificant amounts of pollutants which d rotective of human health or environmental receptors as a result of the violation.	0
		Adjustment \$9,00	<u> </u>
		Adjustment \$9,00	0
www.			\$1,000
Violation Events			
Number of Vi	olation Evento	4 154 Number of violation days	
Nullibel of Vi	olation Events	134 Number of violation days	
No.	daily		
-	monthly		
mark only one	quarterly	X Violation Base Penal	ty \$4,000
with an x	semiannual		
	annual		
	single event		
	Four quarte	orly events are recommended for Outfalls 001 and 002.	
Economic Benefit (EB) for th	is violation	Statutory Limit Test	
Estimate	d EB Amount	\$1,170 Violation Final Penalty Tot	al \$6,400
ACCUPATION AND A STATE OF THE ACCUPA	_	This violation Final Age I Downley to disease of few thanks	\$6.400
		This violation Final Assessed Penalty (adjusted for limit	s) \$6,400

	Jacob III 📮	conomic E	3enefit W	orks	sheet		
Respondent	Oxid L.P.		- CONTRACTOR CONTRACTOR CONTRACTOR				September 1997
Case ID No.	34893						
Reg. Ent. Reference No.	RN100210350				•	V	
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
VIOIAUGII IVO.						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					ilioted John (	
Delayed Costs							Barran Barran
Equipment		1		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	1-Aug-2006	2-Apr-2008	1.7	\$56.	\$1,114	\$1,170
Engineering/construction				0,0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
, Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs		month of no	n-compliance. Fir	al Date i	is expected date o	the system. Date Re f compliance.	equired is first
Avoided Costs		month of no	n-compliance. Fir	al Date i	is expected date of	the system. Date Re f compliance.	equired is first
Avoided Costs Disposal		month of no	n-compliance. Fir	ntering	is expected date of the litem (except for \$0	the system. Date Ref f compliance. one-time avoided c	equired is first
Avoided Costs Disposal Personnel		month of no	n-compliance. Fir	ntering 0.0	is expected date of item (except for \$0 \$0	the system. Date Ref compliance.  one-time avoided compliance.	equired is first  sosts)  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		month of no	n-compliance. Fir	ntering 0.0 0.0 0.0	is expected date of the second	the system. Date Ref compliance.  one-time avoided compliance \$0 \$0 \$0 \$0	equired Is first
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		month of no	n-compliance. Fir	ntering 0.0 0.0 0.0 0.0	is expected date of item (except for \$0 \$0 \$0 \$0	the system. Date Ref f compliance.	sosts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		month of no	n-compliance. Fir	ntering 0.0 0.0 0.0 0.0 0.0	is expected date of them (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the system. Date Ref f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	equired is first  sosts)  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		month of no	n-compliance. Fir	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	is expected date of tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the system. Date Ref f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	equired is first  (costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		month of no	n-compliance. Fir	ntering 0.0 0.0 0.0 0.0 0.0	is expected date of them (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the system. Date Ref f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	equired is first  sosts)  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		month of no	n-compliance. Fir	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	is expected date of tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the system. Date Ref f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	equired is first  (costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		month of no	n-compliance. Fir	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	is expected date of tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the system. Date Ref f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	equired is first  (costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		month of no	n-compliance. Fir	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	is expected date of tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the system. Date Ref f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	equired is first  (costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		month of no	n-compliance. Fir	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	is expected date of tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the system. Date Ref f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	equired is first  (costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		month of no	n-compliance. Fir	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	is expected date of tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the system. Date Ref f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	equired is first  (costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0

Screening Date	1-Nov-2007	<b>Docket No.</b> 2007-1781-IWD-E	PCW
Respondent	Oxid L.P.		Policy Revision 2 (September 2002)
Case ID No.			PCW Revision November 6, 2007
Reg. Ent. Reference No.			
Media [Statute]			
Enf. Coordinator			
Violation Number			
Rule Cite(s)		Code § 305.125(1), and Texas Pollutant Discharge Elimination it No. 02102, Monitoring and Reporting Requirements No. 1	System
Violation Description	Failed to timely documented in	y submit monitoring results at the intervals specified in the per a record review conducted on September 11, 2007. Specifica ring Report ("DMR") for the monitoring period ending January was not submitted by February 20, 2007.	illy, the
		Base	Penalty \$10,000
>> Environmental, Property a			_
Release		<b>Harm</b> oderate Minor	
OR Actual		oderate iviiroi	
Potential		Percent 0%	
>>Programmatic Matrix			
Falsification	Major M	oderate Minor Percent 1%	
<u> </u>	<u>                                     </u>	X Percent 1%	
Matrix	At le	ast 70% of the permit requirement was met.	
Notes			
C			•
		Adjustment	\$9,900
www.www			\$100
Violation Events		n in 1921 in description de la company de	
NI	alatian Evanta	4 Number of violation day	
Number of Vic	olation Events	1 274 Number of violation day	5
9	daily		
	monthly		
mark only one	quarterly	Violation Base	Penalty \$100
with an x	semiannual		
	annualsingle event		
0000000	Siligle everit	X	
- management		One single event is recommended.	
Economic Benefit (EB) for th	is violation	Statutory Limit Tes	
Estimate	d EB Amount	\$1 Violation Final Pena	alty Total \$160
		This violation Final Assessed Danalty (saliveted f	or limits) \$160
		This violation Final Assessed Penalty (adjusted f	or imits)  \$160

	RN100210350 Water Quality				e to go to	Percent Interest	Years of Depreciation
Violation No.	2					5.0	Depreciation 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description						90,000	
Delayed Costs							
Equipment	وكالأراز وراأانا	Latination and the	ant a sinit al.	0.0	\$0	\$0	\$0
Buildings	1.1		en in the second second	0,0	\$0	\$0	\$0
Other (as needed)	444 4 4 4 4 4 4 4		A. Charles and the Control of the Co	0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$25	20-Feb-2007	2-Nov-2007	0.7	\$1	n/a	\$1
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)			T.	0.0	\$0 \$0	n/a n/a	\$0 \$0
	Estimated co	osts to prepare and		0.0 nic DMR.	\$0		\$0
Other (as needed)  Notes for DELAYED costs			Date is the date	0.0 nic DMR.	\$0 Date Required is R was submitted.	n/a the date the DMR v	\$0 was due. Final
Other (as needed)			Date is the date	0.0 nic DMR.	\$0 Date Required is R was submitted.	n/a	\$0 was due. Final
Other (as needed)  Notes for DELAYED costs  Avoided Costs			Date is the date	0.0 nic DMR. the DMF	\$0  Date Required is R was submitted.	n/a the date the DMR v	\$0 was due. Final osts)
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal			Date is the date	0.0 nic DMR.  the DMF  intering I	\$0 Date Required is R was submitted.  Item (except for \$0 \$0 \$0	n/a  the date the DMR vone-time avoided c  \$0  \$0  \$0	\$0 was due. Final  osts) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel			Date is the date	0.0 nic DMR. the DMF ontering I 0.0 0.0 0.0 0.0	\$0  Date Required is R was submitted.  Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a  the date the DMR v  cone-time avoided c  \$0  \$0  \$0  \$0	\$0 was due. Final osts) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS DIsposal Personnel nspection/Reporting/Sampling			Date is the date	0.0  nic DMR. the DMF  ontering   0.0 0.0 0.0 0.0 0.0	\$0  Date Required is was submitted.  Item (except for except for e	n/a  the date the DMR v  cone-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0	\$0 was due. Final  osts)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal  Personnel  nspection/Reporting/Sampling  Suppiles/equipment			Date is the date	0.0 nic DMR. the DMF ontering I 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	\$0  Date Required is R was submitted.  tem (except for except for	n/a  the date the DMR v  che-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	\$0 was due. Final  osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal  Personnel  nspection/Reporting/Sampling  Suppiles/equipment  Financial Assurance [2]			Date is the date	0.0  nic DMR. the DMF  ontering   0.0 0.0 0.0 0.0 0.0	\$0  Date Required is was submitted.  Item (except for except for e	n/a  the date the DMR v  cone-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0	\$0 was due. Final  osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS  Disposal Personnel nspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Date is the date	0.0 nic DMR. the DMF ontering I 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	\$0  Date Required is R was submitted.  Item (except for a solution solution)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a  the date the DMR v  che-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	\$0 was due. Final  osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal  Personnel  nspection/Reporting/Sampling  Suppiles/equipment  Financial Assurance [2]			Date is the date	0.0  nic DMR. the DMF  ontering   0.0 0.0 0.0 0.0 0.0	\$0  Date Required is was submitted.  Item (except for except for e	n/a  the date the DMR v  cone-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0	vas due

Screenin	g Date 1-Nov-2007	<b>Docket No.</b> 2007-1781-IWD-	PCW
	ondent Oxid L.P.		Policy Revision 2 (September 2002)
Case	ID No. 34893		PCW Revision November 6, 2007
Reg. Ent. Referen	ice No. RN100210350	)	
Media [S	tatute] Water Quality	•	
The state of the s	dinator Andrew Hunt		
Violation	Number 3		
Rule		in. Code § 305.125(1), and Texas Pollutant Discharge Elim ermit No. 02102, Monitoring and Reporting Requirements N	
Violation Des	documente cription Responde	mely submit monitoring results at the intervals specified in t d in a record review conducted on September 11, 2007. Sp nt failed to submit the DMR parameter data for pH minimun riods ending June 30, 2006, July 31, 2006, and December 20th day of the month following the monitoring periods.	pecifically, the n (su) for the
₩.			Base Penalty \$10,000
>> Environmental, Pro	perty and Human	Health Matrix	
		Harm	.0000000000000000000000000000000000000
	Release Major	Moderate Minor	
OR	Actual Potential	Percent	0%
S.S.D.	•		***************************************
>>Programmatic Matri	i <b>x</b> sification Major	Moderate Minor	
Tais	l Wajor	x Percent	1%
<u> </u>			
Matrix Notes	,	At least 70% of the permit requirement was met.	
		Adjustosas	\$9,900
		Adjustment	
			\$100
Violation Events		principale address and respectively also dispute the second	
Numl	ber of Violation Events	3 92 Number of violati	on days
Nami	ber of violation Evenis	32 Itambor of Violati	on dayo
	daily		
	monthly		
	conly one quarterly	Violatio	n Base Penalty \$300
WI	ith an x semiannual		•
	annual single event	×	***************************************
	Single event		
		Three single events are recommended.	
Economic Benefit (EB	) for this violation	Statutory Lim	it Test
E	stimated EB Amount	\$2 Violation Fina	al Penalty Total \$480
		This violation Final Assessed Penalty (adju	usted for limits) \$480

Reg. Ent. Reference No.	Oxid L.P. 34893 RN100210350 Water Quality	•			·	Percent Interest	Years of
Violation No.	3					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		• • • • • • • • • • • • • • • • • • • •				
Delayed Costs							1800 - 1803
Equipment				0,0	\$0	\$0	\$0
Buildings	volve gover			0.0	\$0	\$0	\$Q
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction		and the second		0,0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$25	20-Jul-2006	28-Oct-2007	1.3	\$2	n/a	\$2
Training/Sampling				0.0	\$0 \$0	n/a n/a	\$0
Remediation/Disposal Permit Costs				0.0	\$0	n/a	\$0 \$0
Other (as needed)				0.0	\$0	n/a	\$0 \$0
	Estimated co	ete to provide missi	na DMR naramet	erdata l	Date Required is t	he first date a comp	lete DMR was
Notes for DELAYED costs		•	due. Final Da	te is date	of compliance.	he first date a compl	
Avoided Costs		•	due. Final Da	te is date	of compliance.	one-time avoided c	osts)
Avoided Costs		•	due. Final Da	te is date	of compliance.  item (except for \$0	one-time avoided c	osts) \$0
Avoided Costs Disposal Personnel		•	due. Final Da	te is date	of compliance.  item (except for \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Costs		•	due. Final Da	ntering	of compliance.  item (except for \$0	one-time avoided c	osts) \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		•	due. Final Da	ntering 0.0 0.0 0.0 0.0 0.0	of compliance.  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment		•	due. Final Da	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	of compliance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]		•	due. Final Da	ntering 0.0 0.0 0.0 0.0 0.0	of compliance.  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		•	due. Final Da	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	of compliance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

#### **EFFLUENT VIOLATION TABLE** Oxid, L.P. **TPDES Permit No. 02102** Docket No. 2007-1781-IWD-E Oil & Grease Single Grab COD Single Grab max. Months conc. max. conc. Limit = 15 mg/L Limit = 200 mg/L Outfall 001 315 8/31/2006 3/31/2007 С 357 4/30/2007 18.1 Outfall 002 263 12/31/2006 3/31/2007 560 С 207 4/30/2007 С 263 5/31/2007 С

conc. = concentration

c = compliant

COD = chemical oxygen demand

max. = maximum

mg/L = milligrams per Liter

### **Compliance History**

Customer/Respondent/Owner-Operator: CN600124747 Oxid L.P. Classification: AVERAGE Rating: 0.30 OXID Classification: AVERAGE Site Rating: 0.30 RN100210350 Regulated Entity: ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000803411 **GENERATION** SOLID WASTE REGISTRATION # 31613 INDUSTRIAL AND HAZARDOUS WASTE **GENERATION** (SWR) TPDES0106283 **PERMIT** WASTEWATER **PERMIT** WQ0002102000 WASTEWATER TPDES0075060 **PERMIT** WASTEWATER TX0075060 WASTEWATER **PERMIT** VOLUNTARY CLEANUP PROGRAM ID NUMBER 614 77373 AIR NEW SOURCE PERMITS REGISTRATION ACCOUNT NUMBER HG0133T AIR NEW SOURCE PERMITS AFS NUM 4820100838 AIR NEW SOURCE PERMITS **PERMIT** 5026 AIR NEW SOURCE PERMITS 5586 AIR NEW SOURCE PERMITS PERMIT 12472 AIR NEW SOURCE PERMITS PERMIT 12492 AIR NEW SOURCE PERMITS **PERMIT PERMIT** 15843 AIR NEW SOURCE PERMITS Located at 101 Concrete Street, Houston, Harris County, TX Rating Date: September 01 07 Location: Repeat Violator: NO **REGION 12 - HOUSTON** TCEQ Region: October 31, 2007 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement October 31, 2002 to October 31, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History 512-239-1203 Phone: Name: Andrew Hunt **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A Any criminal convictions of the state of Texas and the federal government. В. N/A Chronic excessive emissions events. C. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 11/22/2002 (200835)2 11/22/2002 (224779)3 12/16/2002 (224782)4 12/16/2002 (200839)(224785)5 01/13/2003 6 01/13/2003 (200842)7 02/21/2003 (200809)

8 02/21/2003

9 02/27/2003

10 02/28/2003

(224754)

(26236)

(22387)

11	03/31/2003	(200812)
12	03/31/2003	(224757)
13	04/22/2003	(359467)
14	04/22/2003	(323300)
15	05/23/2003	(359469)
16	05/23/2003	(323301)
17	06/24/2003	(359471)
18	06/24/2003	(323302)
19	07/22/2003	(359473)
20	07/22/2003	(323303)
21	08/25/2003	(359475)
22	08/25/2003	(323304)
23	09/15/2003	(359477)
24	09/15/2003	(323305)
25	10/27/2003	(359479)
26	10/27/2003	(323306)
27	11/24/2003	(359480)
28	11/24/2003	(323307)
29	12/08/2003	(359481)
30	12/08/2003	(323308)
31	01/07/2004	(255848)
32	01/12/2004	(359482)
33	01/12/2004 02/25/2004	(323309) (359465)
34		,
35	03/18/2004	(359466)
36	04/23/2004	(359468)
37 38	05/20/2004 06/23/2004	(359470)
39		(359472)
40	07/22/2004	(359474)
41	08/24/2004 09/22/2004	(359476) (359478)
42	10/25/2004	(385999)
43	11/23/2004	(386000)
44	12/21/2004	(386001)
45	01/18/2005	(386002)
46	02/22/2005	(423906)
47	03/24/2005	(385998)
48	04/07/2005	(376595)
49	04/25/2005	(423907)
50	05/31/2005	(423908)
51	06/27/2005	(423909)
52	07/20/2005	(398030)
53	07/22/2005	(444710)
54	08/25/2005	(444711)
55	08/31/2005	(418599)
56	09/06/2005	(406116)
57	09/23/2005	(444712)
58	10/27/2005	(475515)
59	11/28/2005	(475516)
60	12/27/2005	(475517)
61	01/23/2006	(475518)
62	02/21/2006	(475513)
63	03/20/2006	(475514)
64	04/20/2006	(502957)
65	05/22/2006	(502958)
66	06/20/2006	(502959)
67	07/11/2006	(525293)
68	07/17/2006	(485312)
69	08/21/2006	(525294)
70	09/06/2006	(525295)
71	10/03/2006	(525296)
72	11/08/2006	(550042)
73	01/11/2007	(535589)

We have take

Self Report? NO Classification:

Classification:

Moderate

Moderate

Citation:

TWC Chapter 26 26.121(a)(1)

Rgmt Prov:

PERMIT Permit Conditions No. 2g

Description:

Failure to prevent the unauthorized discharge of wastewater.

Date 03/31/2007

(584870)

YES

Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

TWC Chapter 26 26.121(a)[G]

Date 04/30/2007

Failure to meet the limit for one or more permit parameter (584871)

Self Report?

Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date 05/31/2007

(584872)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Citation: Description: TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter

Date 09/06/2007

(569848)

Self Report? NO

30 TAC Chapter 335, SubChapter A 335,4 Facility failed to utilize a registered waste transporter.

F. Environmental audits.

Notice of Intent Date:

11/22/2004

(371349)

Disclosure Date:

05/12/2005

Viol. Classification: Major

Citation:

30 TAC Chapter 111, SubChapter A

Description:

Unauthorized dust emissions from the material handling process. The facility recieves super sacks containing solid materials in granular or powder form, and material is transferred to a feed tank via open conveyor or poured directly in

through the top of the tank from the super sack at an elevated drop point.

Viol. Classification: Major

Citation:

30 TAC Chapter 116, SubChapter B

5C THC Chapter 382, SubChapter A

Description:

Reaction overheads distillation process for glycol reuse has released emissions into the atmosphere exceeding

Permit Exemption X-2492.

Disclosure Date:

06/17/2005

Viol. Classification: Major

Citation:

30 TAC Chapter 116, SubChapter B 5C THC Chapter 382, SubChapter A

Description:

Emissions from a distillation column and a flasher column under current processes do not comply with historical

representations of Special Exemption X2472 and X2492 authorization.

Notice of Intent Date:

06/20/2007 No DOV Associated

(574126)

G. Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates. Η.

Participation in a voluntary pollution reduction program. 1.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

74 01/24/2007 (584875)75 03/19/2007 (584869)76 03/21/2007 (553903)77 04/20/2007 (584870)78 05/17/2007 (584871)79 06/19/2007 (584872)80 07/06/2007 (584873)81 08/10/2007 (584874)82 09/07/2007 (569848)83 10/24/2007 (594148)Written notices of violations (NOV). (CCEDS Inv. Track. No.) Date 10/31/2002 (224779)Classification: Moderate Self Report? YES 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Fallure to meet the limit for one or more permit parameter Description: Date 10/31/2003 (323307)Classification: Moderate Self Report? 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter Date 05/31/2004 (359472)Classification: Moderate Self Report? YES 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter (386001) Date 11/30/2004 Classification: Moderate Self Report? YES 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Fallure to meet the limit for one or more permit parameter Description: 04/07/2005 (376595)Date Moderate Classification: Self Report? 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: PERMIT No. 02102-000 Page 2, No. 1 Rqmt Prov: Failure to maintain compliance with the permitted effluent limits for Oil and Grease Description: and Chemical Oxygen Demand. Date 07/20/2005 (398030)Classification: Moderate Self Report? NO 30 TAC Chapter 116, SubChapter B 116.110(a)[G] Citation: Failure to obtain a permit authorization for emissions released to the atmosphere (0. Description: 2 lb of ethylene glycol and 0.1 lb of dioxane) during the emissions event occurred on 8/27/04 at Storage Tank No. 31. Date 07/31/2005 (444711)Self Report? Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter Description: 12/31/2005 (475518)Date Classification: Moderate Self Report? YES 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter (525295)Date 08/31/2006

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

TWC Chapter 26 26.121(a)[G]

(584875)

Failure to meet the limit for one or more permit parameter Description:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter

Classification:

Classification:

Moderate

Moderate

Date 01/10/2007 (535589)

Self Report? Citation:

Description: Date 12/31/2006

Self Report?

E.

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
OXID L.P.
RN100210350

§	BEFORE THE
§	
§	TEXAS COMMISSION ON
§	•
§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2007-1781-IWD-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Oxid L.P. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a chemical processing facility located at 101 Concrete Street in Houston, Harris County, Texas (the "Facility").
- 2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 28, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Seven Thousand Forty Dollars (\$7,040) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Six Hundred Thirty-Two Dollars (\$5,632) of the administrative penalty and One Thousand Four Hundred Eight Dollars (\$1,408) is deferred

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contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Submitted completed electronic Discharge Monitoring Reports ("DMR"), on October 28, 2007 for monitoring periods June 2006, July 2006, and December 2006; and
  - b. On November 2, 2007, submitted the DMR for the monitoring period ending January 31, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 02102, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on September 11, 2007, and shown in the following table:

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EFFLUENT VIOLATION TABLE		
Months	Oil & Grease Single Grab max. conc.	COD Single Grab max. conc.
	Limit = 15 mg/L	Limit = 200 mg/L
Outfall 001		
8/31/2006	c	315
3/31/2007	c	357
4/30/2007	18.1	c
	Outfall 002	
12/31/2006	c	263
3/31/2007	c	560
4/30/2007	с	207
5/31/2007	c	263

c = compliant

mg/L = milligrams per Liter

max. = maximum

conc. = concentration

COD = chemical oxygen demand

- 2. Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 Tex. ADMIN. CODE § 305.125(1), and TPDES Permit No. 02102, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on September 11, 2007. Specifically, the Respondent failed to submit the DMR for the monitoring period ending January 31, 2007 by February 20, 2007.
- 3. Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 02102, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on September 11, 2007. Specifically, the Respondent failed to submit the DMR parameter data for pH minimum for the monitoring periods ending June 30, 2006, July 31, 2006, and December 31, 2006.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Oxid L.P., Docket No. 2007-1781-IWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 02102. The certification shall include detailed supporting documentation including receipts, and /or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification and missing report data shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

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- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

### SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	3/21/2000 Date
attached Agreed Order on behalf of the entity in	e attached Agreed Order. I am authorized to agree to the indicated below my signature, and I do agree to the terms mowledge that the TCEQ, in accepting payment for the presentation.
<ul> <li>timely pay the penalty amount, may result in:</li> <li>A negative impact on compliance history</li> <li>Greater scrutiny of any permit application</li> <li>Referral of this case to the Attorney Greater, and/or attorney fees, or to a confidence in any future enforce</li> </ul>	ons submitted; eneral's Office for contempt, injunctive relief, additional election agency; ement actions; ral's Office of any future enforcement actions; and by law.
Signature Shokum	1-23-2008 Date
ANOREW J. ADAMS  Name (Printed or typed)  Authorized Representative of  Oxid L.P.	V.P. MANUF. & SALES Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

THE CONTRACTOR OF THE CONTRACT

1.14